GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition & Excise Department – Inclusion of name of Sri P.Balaswamy, Prohibition & Excise Superintendent for assigning notional promotion in the cadre of Assistant Commissioner of Prohibition & Excise against the Roaster Point No.91(SC) in the panel year 2010 – 11 – Confirmed – Orders - Issued.

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REVENUE (EXCISE-I) DEPARTMENT

G.O.MS.No. 370 **Dated: 20-08-2019**

Read the following:-

1. From the CPE., AP., in CR.No.11025/49/2018/CPE/A2, dt.09.08.2018.
2. U.O.Note.No.742135/SER.D/2018-1, G.A. (Ser.D) Department, dt.01.01.2019 along with proceedings of the Meeting of the Review DPC held on 31.12.2018.
3. G.O.Rt.No.290, Revenue (Ex.I) Department, dt.18.02.2019.

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ORDER:

In the reference 1st read above, the Commissioner of Prohibition & Excise, AP., among others, has stated that the integrated seniority list of Prohibition & Excise Inspectors of Multi Zone-III was finalized vide CPE's Proceedings, dated 29.9.2009, wherein the date of regularization of Sri P.Bala Swamy is shown as 23.05.1993 and the date of regularization of Sri C.Ashok Kumar is shown as 01.10.1996. Thus, Sri P.Bala Swamy became senior to Sri C.Ashok Kumar in the feeder category i.e., Prohibition & Excise Inspector. The name of Sri C.Ashok Kumar was included in the regular panel for the year 2003-04 against RP.No.7 meant for Scheduled Caste for considering promotion to the post of Assistant Prohibition & Excise Superintendent in MZ-III. Basing on this position, he was promoted as Prohibition & Excise Superintendent in the panel year 2007-08 and also promoted as Assistant Commissioner of Prohibition & Excise in the panel year 2011-12. Hence, he has requested to take necessary action in the matter.

2. In view of the revision of feeder category seniority, Sri P.Bala Swamy filed O.A. No.1054/2010 seeking direction to consider his case for promotion to the categories of AP&ES, P&ES and ACPE on par with his junior and the Hon'ble APAT., in its orders, dated 09-11-2012 directed as follows:

> *"In the light of the above facts and circumstances, O.A is disposed of directing the respondents 1 to 3 to consider the case of the applicant for promotion to the post of Assistant Prohibition & Excise Superintendent and later to the post Excise Superintendent on par with 4th respondent who was said to be junior to the applicant in the seniority list, by taking into consideration the seniority, eligibility of the applicant and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order."*

3. In view of the above, a show cause notice was issued to all the affected persons proposing to place the name of Sri P.Bala Swamy, Assistant Prohibition & Excise Superintendent of MZ-III at Sl.No.7 above Sri R. Suresh with date of regularization as 02-01-2003 in the final integrated seniority list of Assistant Prohibition & Excise Superintendent of Multi Zone-III and at Sl.No.18 in the integrated seniority list of Assistant Prohibition and Excise Superintendents published in Gazette No.249, dated 22-9-2008. Consequently, the name of Sri C.Ashok Kumar was proposed to be placed at Sl.No.1 in the final seniority list of Assistant Prohibition & Excise Superintendent of MZ-III for the panel year 2007-08 and at Sl.No.3 in the final integrated seniority list of Assistant Prohibition & Excise Superintendent issued by the CPE in Proceedings, dated 12.7.2010. A show cause notice was also published in the A.P Extraordinary Gazette No.30, dated 31.1.2013. Only one individual viz., Sri C.Ashok Kumar filed objection against the above proposal and his objection was examined and rejected by the Commissioner of Prohibition and Excise, vide Cr.No.7649/2003/CPE/L3, dated 19.3.2013.

4. Accordingly, Sri P.Bala Swamy was assigned notional seniority in the category of Assistant Prohibition & Excise Superintendent in place of Sri C.Ashok Kumar by including his name at RP.No.7 (SC) in the panel year 2003-04 by replacing the name of Sri C.Ashok Kumar. Consequently the name of Sri C.Ashok Kumar was included at RP.No.16 (SC) in the panel year 2007-08 in MZ-III. This was done by following due procedure and final orders were issued by the CPE vide in Cr.No.7649/2003/CPE/L3 dated.22.05.2013.

5. Government have also examined the matter in the category of Prohibition and Excise Superintendent and found that Sri P.Bala Swamy became senior to Sri C.Ashok Kumar in the feeder category of Assistant Prohibition & Excise Superintendent and hence he is eligible for inclusion in the panel of Prohibition & Excise Superintendent for the panel year 2008-09 in place of Sri C.Ashok Kumar. Accordingly, the matter has been placed before the Review DPC to consider to include the name of Sri P.Bala Swamy in the panel of Prohibition & Excise Superintendent for the panel year 2008-09 against RP.No.72 by proposing to delete the name of Sri C.Ashok Kumar.

6. The Screening Committee which was held on 13.12.2017 has recommended that the name of Sri P. Bala Swamy, be included in the panel of Assistant Prohibition & Excise Superintendent for notional promotion in the category of Prohibition & Excise Superintendent against Scheduled Caste Roster Point No.72, below the name of Sri L.Gundal Reddy and above Sri N.V.S.Prasad for the panel year 2008-09, duly deleting the name of Sri C.Ashok Kumar (SC) from the panel year 2008-09.

7. Government accepted the recommendations of the Screening Committee held on 13.12.2017 and issued orders in GO Ms.No.13, Revenue (Ex.I) Department, Dt.08.01.2018 according notional promotion to Sri P. Bala Swamy, (DPEO who is working in Telangana) in the category of Prohibition & Excise Superintendent for the panel year 2008-09 as per the recommendation of review screening committee.

8. The CPE., AP., has further stated that the name of Sri C. Ashok Kumar was considered for inclusion in the panel of Prohibition & Excise Superintendent fit for promotion to the post of Assistant Commissioner for the panel year 2010-11, vide GO Ms.No.1641, Revenue (Ex.I) Department, Dt.20.08.2011 and accordingly, he was appointed as Assistant Commissioner of Prohibition & Excise, vide G.O.Rt.No.1178, Revenue (Ex.I) Department, Dt.30.09.2011. In view of the revision of seniority in the category of Prohibition and Excise Superintendent against the Roaster Point meant for Scheduled Caste, the CPE., AP., has proposed for inclusion of the name of Sri P. Bala Swamy, Prohibition & Excise Superintendent in the relevant panel of Assistant Commissioner of Prohibition & Excise duly relegating/deleting the name of Sri C. Ashok Kumar, ACPE., retired from service on 31.01.2018 on attaining the age of superannuation by placing the matter before the Review Screening Committee for its consideration.

9. In view of the proposals of CPE., AP., and CPE., Telangana for inclusion of the name of Sri P. Bala Swamy, Prohibition & Excise Superintendent in the panel of Assistant Commissioner of Prohibition & Excise for the panel year 2010-11, the matter has been placed before the Review Departmental Promotion Committee for their recommendations.

10. The Review Departmental Promotion Committee, which met on 31.12.2018 has recommended to include the name of Sri P. Bala Swamy, Prohibition & Excise Superintendent in the panel of Prohibition & Excise Superintendent for notional promotion to the category of Assistant Commissioner of Prohibition & Excise against SC Roaster Point-91, below the name of Sri V. Radaiah and above Sri G. Narasimhulu for the panel year 2010 – 11, duly deleting the name of Sri C. Ashok Kumar (SC) at SC Roaster Point-91 from the panel year 2010 – 11.

11. Government have accepted the recommendations of Review Departmental Promotion Committee and provisionally included the name of Sri P. Bala Swamy,

in the panel of Prohibition & Excise Superintendent fit for notional promotion to the post of Assistant Commissioner of Prohibition & Excise against Scheduled Caste Roaster Point-91, below the name of Sri V. Radaiah and above Sri G. Narasimhulu for the panel year 2010 – 11, duly deleting the name of Sri C. Ashok Kumar (SC) from the panel year 2010 – 11 and called for objections from the affected persons on the proposed notional promotion in the reference 3rd read above and also published in the A.P. Gazette, vide Notification No.1234, dt.18.02.2019. No objections have been received within the stipulated period against the provisional decision.

12. Hence, the Government have decided to confirm the provisional decision to include the name of Sri P. Bala Swamy, Prohibition & Excise Superintendent in the panel of Prohibition & Excise Superintendent fit for notional promotion to the post of Assistant Commissioner of Prohibition & Excise against Scheduled Caste Roaster Point-91, below the name of Sri V. Radaiah and above Sri G. Narasimhulu for the panel year 2010 – 11, duly deleting the name of Sri C. Ashok Kumar (SC) from the panel year 2010 – 11, as issued in G.O.Rt.No.290, Revenue (Ex.I) Department, dt.18.02.2019 and accordingly, he is promoted notionally to the post of Assistant Commissioner of Prohibition & Excise with effect from 23.10.2011 (ie., the date of joining of C. Ashok Kumar as ACPE) by relaxing the rule 33 (a) of A.P. State and Sub-ordinate Service Rules, 1996.

13. The above promotion is subject to out come of SLPs/WPs/OAs/CAs/RPs/appeals, pending if any, before the Hon'ble Supreme Court/High Court/APAT/Government, as the case may be.

14. The Commissioner of Prohibition and Excise, Andhra Pradesh shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. D. SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise, Andhra Pradesh. Vijayawada.
The Commissioner of Prohibition & Excise, State of Telangana, Hyderabad.
Copy to:
Sri P.Bala Swamy, Prohibition & Excise Superintendent/ DPEO (**Thro:** the CPE., Government of Telangana.
The Accountant General, Government of Andhra Pradesh and Telangana.
SF/SC.

//FORWARDED::BY ORDER //

SECTION OFFICER.